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EXAMINER

TANG, KAREN C

ART UNIT

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2151

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/786,527

Applicant(s)

LOBIG, NORBERT

Examiner

Karen C. Tang

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/30/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-29, 31-37, 39, 40 and 43-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-29, 31-37, 39, 40 and 43-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

- This action is responsive to the amendment and remarks file on 11/16/07.
- Claims 23-29, 31-37, 39-40, and 43-46 are presented for further examination.

### **DETAILED ACTION**

#### ***Response to Arguments***

Applicant's arguments filed 11/06/07 have been fully considered but they are not persuasive.

Applicant has amended the claims where applicant has amended the claims on 11/16/07 "first local exchange, not a mobile switching center" and has intended to overcome the cited art of records, however, this has raises an issue of new matter, because no where in the specification, has applicant has attempted to define what "a local exchange" is. Applicant has indicated in the argument and remark on 11/16/07 that the amendment made to the independent claim has support in the specification Pages 1, lines 24, page 2, lines 6-16, page 16, lines 12-20, page 21, lines 4-10, and page 28, lines 10-13, and Fig 1. However, after carefully review the cited portion of the specification made by the applicant, there is no founding on "local exchange, is not a mobile switching center" in the claim limitation. Applicant is required to explain where in the specification has support to the new limitation. Further, applicant is required to explain why the specification cannot utilize the definition of a "mobile switching center" that defines a "local exchange", and how would the interpretation be incorrect.

For the examining purpose, the amended portion of the claims "location change, not a mobile switching center" would not have any patentable weight and would be ignored.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

### ***Specification***

Claims 43 and 44 are objected to because according to MPEP 608.01, antecedent basis for the terms appearing in the claims, while an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims. Applicant will be required to make appropriate amendment to the description to provide clear support or antecedent basis for the terms appearing in the claims provided no new matter is introduced. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “detecting connections with more than once passing the connection point in a course of setting up the connection;”

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 23-29, 31-37, 39-40, and 43-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "Local exchange, not a mobile switch center" is not found in anywhere in the specification. Correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-29, 31-37, 39-40, 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emery et al (US 5,758,281) hereinafter Emery in view of Akinwale et al hereinafter Akinwale (EP 0708570 A2).

1) Referring to claim 23 and 32, Emery discloses:

A first telecommunication network: Examiner interprets the first telecommunication network (22, Fig 2); A local exchange (VLR at 22, Fig 2); A second telecommunication network (26, Fig 2, Col 15, Lines 20-35); A second local exchange (VLR at 26, Fig 2);  
A subscriber (cell user, refer to Col 4, Lines 60-67);

Said first telecommunication network being connected to said second telecommunication network via a connection point (31, STP, Fig 2), wherein the two telecommunication networks are interconnected (Fig 2, Col 13, Lines 1-15).

Said subscriber station involved in a change between telecommunications network (refer to Col 4, Lines 45-67), Said subscriber station initially connected to said first telecommunications network (inherently that the subscriber is initially connected to first network to enable a switch to another network).

Said primary routing information (current location, refer to Col 5, Lines 1-22) pertaining to said subscriber station (while in the first network, the user is inherently registered with its routing information with the network)

Said primary routing information in the first telecommunication network and the primary routing information in the second telecommunication network (refer to Col 5, Lines 23-45).

Said primary routing information for defining a connection set up from the respective telecommunications network to the first local exchange (refer to Col 5, Lines 1-22).

Storing the secondary routing information in the first local exchange (current location, refer to Col 5, Lines 1-22).

Secondary routing information for defining a further connection setup, for the subscriber station to the secondary telecommunications network via the connection point provided that the subscriber station is not present (refer to Col 5, Lines 22-45).

Changing the primary routing information the second telecommunications network such that connections from the second communication network to the subscriber station are being set up to the second local exchange (refer to Col 5, Lines 23-67).

Disconnecting the subscriber station from the first local exchange (refer to Col 5, Lines 45-67).

Connecting the subscriber station to the second local exchange (refer to Col 5, Lines 23-45).

The two communication network are interconnected and share relevant subscriber routing information without central control (each local exchange/cellular MC does not control all local exchange/cellular MC in Fig 2, and does not control all routing information, therefore, does not share relevant subscriber routing information centrally).

Although Emery disclosed the invention substantially as claimed, Emery is silent regarding "disconnecting electrically the subscriber line" and "connecting electrically the subscriber line".

Akinwale, analogous art disclosed "disconnecting electrically the subscriber line" and "connecting electrically the subscriber line" (refer to Col 6, Lines 50-67 and Col 7, Lines 1-15).

Hence, providing functions disclosed by Akinwale, would be desirable for a user to implement in order to provide a high degree of freedom of movement of customers between carriers and geographic relocation without requiring a number change.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Emery by including the features presented by Akinwale.

2) Referring to claim 24, Emery discloses changing the primary routing information in the second telecommunications network such that connections from the second communications

network to the subscriber station are being set up to the second local exchange (refer to Col 5, Lines 20-45 and Fig 4).

3) Referring to claim 26, Emery discloses activating the secondary routing information in the first local exchange upon a fault occurring on an access line of the subscriber station while disconnecting the subscriber station, said secondary routing information relating to the subscriber station (refer to Col 5, Lines 20-67).

4) Referring to claim 27 and 35, Emery discloses changing the primary routing information in the first communications network after disconnecting the subscriber station from the first local exchange, so that communication requests originating from the first telecommunications network to the subscriber station are passed from the first telecommunications network to the second telecommunications network via the connection point (Col 5, Lines 20-67 and Fig 2 and Col 6, Lines 8-17).

5) Referring to claim 28, Emery discloses deleting the secondary routing information in the first local exchange – said secondary routing information relating to the subscriber station (refer to Col 5, Lines 45-67).

6) Referring to claim 29, Emery discloses the network deleting details from the first local exchange, said details relating to a relevant subscriber station being previously connected to the first telecommunications network (refer to Col 5).



7) Referring to claim 31 and 39, Emery discloses a carrier signal for a duration of the subscriber switching, said the signal being monitored by the first local exchange in order to identify a line fault on a(n) digital lines (refer to Col 5, Lines 40-67).

8) Referring to claims 25 and 33, Emery discloses details that provide information to the subscriber station in a course of a connection request with storage of the secondary routing information in the secondary local exchange if the subscriber station is still/already being connected to the first local exchange, then, carrying out the further connection setup via the second local exchange (refer to Col 5, Lines 20-67) said details indicating that the subscriber station is in the state of changing between networks.

Emery further disclose if the subscriber station is no longer/not yet connected to the second local exchange, then, carrying out the further connection setup via an associated secondary routing information (refer to Col 5, Lines 20-67).

9) Referring to claim 34, Emery discloses deactivating the secondary routing information relating to the subscriber station in the second local exchange, upon a fault end signal occurring on an access line of the subscriber station while connecting the subscriber station (refer to Col 5, Lines 45-67).

10) Referring to claim 36, Emery discloses the network deleting details from the second local exchange (refer to Col 5, Lines 40-67).

11) Referring to claim 37, Emery discloses by change a part of the details, it indicate a connection of the subscriber station to the second local exchange (refer to Col 5, Lines 40-67).

12) Referring to claim 40, Emery discloses storing and making available the primary and secondary routing information by utilizing at least one of a local operation at an exchange level and a central operation in a network (Col 5, Lines 20-67).

13) Referring to claims 43 and 44, Emery discloses detecting connection with more than once (STP is able to receive and transmit the information) passing the connection point in a course of setting up the connection (refer to Col 5, Lines 23-67); and clearing said connection (refer to Col 5, Lines 45-67);

14) Referring to claims 45 and 46, Emery discloses connecting the subscriber station to at least one of the first exchange and the second exchange via an access network interface (STP contains network interface, refer to Fig 2);

Although Emery disclosed the invention substantially as claimed, Emery is silent regarding Utilitinz one of an availability and unavailability of the subscriber station as a criterion for one of an activation and a deactivation of the further connection setup in accordance with the secondary routing information of the subscriber station; said one of an availability and non-availability being signaled via the access network interface to a respective local exchange.

Akinwale, analogous art disclosed "disconnecting electrically the subscriber line" and "Utilizing one of an availability and unavailability of the subscriber station as a criterion for one of an activation and a deactivation of the further connection setup in accordance with the secondary routing information of the subscriber station; said one of an availability and non-availability being signaled via the access network interface to a respective local exchange." (refer to Col 4, Lines 45-67).

Hence, providing functions disclosed by Akinwale, would be desirable for a user to implement in order to provide a high degree of freedom of movement of customers between carriers and geographic relocation without requiring a number change.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Emery by including the features presented by Akinwale.

### ***Conclusion***

**Examiner's Notes:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the

claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT



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